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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/091,906  | 03/05/2002  | Hung Viet Ngo        | C3109;680-010514-US<br>(PAR) | 9200             |
| 29683   | 7590        | 10/15/2003           | EXAMINER                     |                  |
| HARRINGTON & SMITH, LLP<br>4 RESEARCH DRIVE<br>SHELTON, CT 06484-6212 |             |                      | ZARROLI, MICHAEL C           |                  |
|   |             |                      | ART UNIT                     | PAPER NUMBER     |
|   |             |                      | 2839                         |                  |

DATE MAILED: 10/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/091,906

Applicant(s)

NGO, HUNG VIET

Examiner

Michael C. Zarroli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,8 and 16-26 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9,10,12,15,27-31 and 33 is/are rejected.
- 7) ☒ Claim(s) 11,13,14 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Objections to the drawings have been overcome.

### ***Claim Rejections - 35 USC § 112***

2. All rejections have been overcome.

### ***Claim Objections***

3. Claim 28 objected to because of the following informalities: There's an antecedent problem with "the stop surface." Appropriate correction is required.
4. Claim 15 objected to because of the following informalities: There's an antecedent problem with "the guide rail." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country, in public use, or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 4-7, 9-10, 27-29, 31 and 33 are rejected under 35

U.S.C. 102(b) as being anticipated by Taira et al.

Taira discloses an optical connector adapter (title) with a housing (30A or 30B) having a passage (figures 5 or 9) that receives a pair of connectors that can be mated to each other. A pair of latch inserts (24, 25) in the passage is disclosed, with each latch insert adapted for locking one of the connectors to the housing. Taira also discloses that at least one of the latch inserts has a spring-loaded projection (e.g. 75) that is “biased” into a housing detent locking the latch insert to the housing (figures 9 & 10).

Regarding claim 2 Taira discloses that the housing is a one-piece member (30, 30A, 30B).

Regarding claim 4 Taira discloses that the detent is a recess formed in a side of the housing passage (fig. 8).

Regarding claim 5 Taira discloses that the detent is an aperture (79) extending through the sidewall of the passage (69 in fig. 8).

Regarding claim 6 Taira discloses that the latch insert has an exterior surface complimentary to the interior of the passage (e.g. fig. 9) and, has a resiliently flexible arm that supports the spring loaded projection.

Regarding claims 7 and 9 Taira discloses that the exterior of the latch insert complements the interior of the housing passage around a perimeter of the exterior surface (figure 2 & 3) and stably holds the latch insert (fig. 10).

Regarding claim 10 Taira discloses that the latch insert has a pair of arms (fig. 4 at 25) for latching to the connector.

Regarding claims 27 and 29 Taira discloses that the spring loaded projection comprises a “camming” surface (e.g. in fig. 7 65 is shown slanted) and that this surface causes resilient deflection of the spring loaded projection during insertion of the at least one latch insert.

Regarding claim 28 Taira discloses that a stop surface (26) prevents the latch insert from being withdrawn from the housing (fig. 1).

Regarding claim 31 Taira discloses that the adapter is adapted to be mounted (fig. 5 at 38) to a panel.

In regard to claim 33, it has been held that the recitation that an element is “adapted for” performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. In addition, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

7. Claims 12 and, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Zimmer.

Zimmer discloses an optical connector adapter (title) with an outer housing (12) having a passage (18) for mating a pair of opposing connectors. Pair of inner housings (42, 44) in this passage (fig. 2) each having a receptacle (64) for receiving a connector is also disclosed. Zimmer discloses that the outer housing is one-piece (fig. 1) with the inner housings inserted into the passage from opposite ends of the passage (fig. 2).

Regarding claim 15 Zimmer discloses (fig. 10) that the guide rail comprises a channel in the sidewall of the passage that is aligned with an insertion axis of the passage (fig. 2).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Taira et al as applied to claim 1 above, and further in view of Lu.

Taira does not disclose a door mounted on the housing.

Lu discloses an optical connector adapter with a door (fig. 19).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add a door as taught by Lu to the adapter of Taira. The motivation/suggestion for doing so would have been to further protect the optical fiber.

***Allowable Subject Matter***

10. Claims 3, 8 and, 16-26 are allowed over the prior art of record.
11. Claims 11, 13-14 and 32 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. The following is a statement of reasons for the indication of allowable subject matter: In addition to the reasons given in the first office action. A passage that comprises multiple passages, with each passage adapted to receive a pair of latch inserts. The guide and guide rail that are slidably interlocked when at least one inner housing is inserted into the passage. The examiner accepts the applicant's arguments with regard to claim 24.

***Response to Arguments***

13. Applicant's arguments filed 7/24/03 have been fully considered but they are not persuasive with regards to claims 1-7, 9-10, 12 and, 15.

Regarding claim 1, Taira's "sleeve holder 20" is actually two distinct parts, 24 and 25 ("pair of claw portions"). Figure 13 of Taira discloses a "pair of latch insert" (24 & 25). On page 16, the applicant argues against the rejection of claim 1 as being more than just a mere duplication of parts. This obviously a typo and the examiner will



interpret that the applicant was referring to dependent claim 11. The examiner agrees with the applicant's argument regarding claim 11.

Regarding claims 12 and, 15 Zimmer discloses a "one-piece housing" member (fig. 2 at 12). The applicant does not recite what this one piece comprises. Maybe the applicant should word this limitation something like, --a self-contained one-piece housing member formed monolithically--.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Benner et al and Ngo et al further teach optical adapters, especially with one-piece bodies.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

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period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Zarroli whose telephone number is 703-305-0608. The examiner can normally be reached on 7:30 to 3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Feild can be reached on (703) 308-2710. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Michael C. Zarroli  
Primary Examiner  
Art Unit 2839

MCZ  
MCZ